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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/884,044	06/27/97	ANDREAS	S 2871US

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PALO ALTO CA 94306

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2779

*14*

DATE MAILED:

02/25/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/884,044

Applicant(s)  
Schilling; Knittel

Examiner  
Thu Nguyen

Group Art Unit  
2779



☒ Responsive to communication(s) filed on Dec 30, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 15 and 34 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 15 and 34 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Election/Restriction*

1. Claims 14, 25-28, 54-59, and 61-62 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected group I, II, III, and IV. Election was made **without** traverse in Paper No. 13 (12/30/99).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 34 recite the limitation "said filtering" in claim 15, line 5, and claim 34, line

4. There is insufficient antecedent basis for this limitation in the claim. The claimed limitation "said filtering" seems to include a method of filtering input data. However, this method is not previously claimed in the independent claims 15 and 34. The filter unit in claim 15, line 4 and claim 34, line 3 is not the same as the claimed filtering method. The filter unit does not imply how to perform filtering.

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4. Claims 15 and 34 provide for the use of accessing pixels from previous frames or scan lines, but, since the claim does not set forth any steps involved in the method/process to use the retrieving data of the pixels of the previous frames or scan lines, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 15 and 34 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

5. Claims 15 and 34 are rejected as being inconsistent between the preamble and the details means. The preamble teaches a device for mapping video images onto a surface of a computer generated object (lines 1-2) . However, the claims teach a device which comprises a filter unit and a means for accessing pixels of previous frames (or scan line). The two components are used just to generate mip maps (as taught in the specification page 25, section 12) rather than mapping images onto a surface of an object.

***Claim Rejections - 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al (U.S Patent No. 5,606,650) in view of Su (U.S Patent No. 5,019,908).

As per claim 15, Kelly et al teaches a filter unit for generating prefilter images of less detail (the mipmaps) (col.3, lines 32-36).

Kelly et al does not teach a means for accessing pixels of a previous interlaced half frame to perform filtering. However, Su teaches a means for accessing pixels of a previous interlaced half frame to generate a second frame picture data (col.3, lines 5-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to access the previous interlaced half frame as suggested by Su to generate the mipmaps of Kelly et al. The motivation for this would have been to generate mipmaps with less level of detail by averaging the previous half frame with the current half frame.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al (U.S Patent No. 5,606,650) in view of Shiraishi (U.S Patent No. 5,903,276).

As per claim 34, Kelly et al teaches a filter unit for generating prefilter images of less detail (the mipmaps) (col.3, lines 32-36).

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Kelly et al does not teaches a means for accessing previous scan lines as claimed. However, Shiraishi teaches a means for accessing previous scan line to perform texture mapping on a computer generated object (col.44, lines 16-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to retrieve the pixels data of the current scan line and the previous scan line as taught by Shiraishi in the texture map storage and retrieval apparatus of Kelly et al. The motivation for this would have been to determine the memory address of the mipmaps of Kelly et al and to minimize aliasing effect.

***Response to Arguments***

9. Applicant's arguments with respect to claims 15 and 34 have been considered but are moot in view of the new ground(s) of rejection.

***Notice***

The examiner in charge of this application has been transferred to the new art unit 2779. Please indicate the appropriate art unit in future correspondence.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2779

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can  
normally be reached on Monday-Thursday from 8:00 am to 5:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Mark Powell, can be reached on (703) 305-9703. The fax phone number for this Group is  
(703)308-6606 .

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703)305-3900.

NTV

February 16, 2000



MARK R. POWELL  
SUPERVISORY PATENT EXAMINER  
GROUP 2700